

REMARKS

Claims 1-25 and 52-67 are pending in this application. Claims 1, 52 and 67 have been amended in several particulars for purposes of clarity and brevity that are unrelated to patentability and prior art rejections in accordance with current Office policy, to further and alternatively define Applicants' disclosed invention and to assist the Examiner to expedite compact prosecution of the instant application.

Claims 1-25 and 52-67 have been rejected under 35 U.S.C. §102(e) as being anticipated by Lamkin et al., U.S. Publication No. 2002/0078144 for reasons stated on pages 2-14 of the Office Action (Paper No. 20061010). However, Applicants submit that features of claims 1-25 and 52-67 are not disclosed or suggested by Lamkin '144. Therefore, Applicants traverse the rejection and respectfully request the Examiner to reconsider and withdraw this rejection for the following reasons.

+Lamkin '144 discloses a new type of application program interface (API) used for integrating locally stored media content from a local content source 104, and remote interactively-obtained network media content, e.g., video content on a web page, from an offsite content source 106, as shown in FIG. 1, FIG. 2 and FIG. 3. See paragraph [0052] of Lamkin '144. As described on paragraph [0018], the purpose of Lamkin's invention is to address the need for a system to access and use of related or updated web/HTML content [obtained, via the Internet] to provide augmented or improved content with playback of DVD content. As a result, an integrated system is used to provide presentation of **locally** stored media content combined with **remote** interactively-obtained network media content. Application programming interface (API) provides a way to combine the Internet with content from DVD-ROM, DVD-video, DVD-audio and CD-audio, such that the combination of the Internet with DVD-video can create a richer, more interactive, and personalized entertainment experience for users.

Specifically, the application programming interface (API) provides a common programming interface for hypertext markup language (HTML) and ECMAScript for ensuring playback of enhanced content on multiple playback platforms, and also provides interaction with hardware platform 402 with embedded web browser 410, as shown in FIG. 4, by means of commands, properties and events, to facilitate the playback of audio and/or video embedded within a web page.

According to Lamkin '144, the hardware platform environment can be a display device 102 as shown in FIG. 1; a computer 202 having a microprocessor 204 and a memory 206, as shown in FIG. 2; a set-top box 302 having a microprocessor 304 and a memory 306, as shown in FIG. 3, or alternatively, a DVD device 602 as shown in FIG. 6, arranged to play/display both video or audio provided by the local content source 104, and/or web or HTML content provided by the offsite content source 106 (i.e., Internet). In addition, an InterActual Technologies Cross Platform ("ITX") specification is utilized to allow multiple playback platforms to seamlessly combine the Internet and/or other DVD-ROM capabilities with DVD-video to create a richer, more interactive, and personalized entertainment experience for customers.

Such a DVD device 602, as shown in FIG. 6, includes an embedded web browser 410 coupled to a web browser application programming interface for media services 614, and DVD hardware 620 including a DVD navigator 622 and a DVD decoder 626. The embedded web browser 410 is responsible for displaying the HTML content on an optical disk 738, as shown in FIG. 7, stored locally on the DVD device 602, or served from a remote server location. The embedded web browser 401 also supports concurrent playback of video and audio while presenting the HTML web page. In other words, an embedded web browser 410 within the hardware platform 402 is utilized, upon instruction from a user, to search the Internet to obtain information related to the media content stored locally at a local content source 104, and incorporate the web/HTML content obtained, via the Internet, into the video or audio provided by the local content source 104.

However, Lamkin '144 does not disclose or suggest any DVD device (content reproducing apparatus) in which a data storage unit is included and a presentation engine is utilized to control the data storage unit included in such content reproducing apparatus in accordance with a command program included in an input markup program, as expressly defined in Applicants' base claims 1, 52 and 67. Nor does Lamkin '144100 disclose any information storage medium for use in such an interactive digital content reproducing apparatus, comprising: (1) audio/video (AV) data; and (2) a markup document which reproduces the AV data in an interactive manner, the markup document comprising a command program which, when the information storage medium is inserted into the content reproducing apparatus, is performed by the content reproducing apparatus to control a data storage unit included in the content reproducing apparatus, such that transferring of information and sharing of system

parameters related to AV data reproduction between different markup documents are enabled in the content reproducing apparatus, as defined in each of Applicants' base claims 1, 52 and 67.

Nevertheless, the Examiner cites page 6, paragraph [107] and page 7, paragraph [129-130] and page 10, paragraph [182] of Lamkin '144 for allegedly disclosing Applicants' claimed "presentation engine utilized to control the data storage unit included in such content reproducing apparatus in accordance with a command program included in an input markup program", "such that transferring of information and sharing of system parameters related to AV data reproduction between different markup documents are enabled in the content reproducing apparatus" as defined in Applicants' base claims 1, 52 and 67. However, the Examiner's citations are misplaced.

Page 6, paragraph [107] of Lamkin '144 specifically describes that,

"[T]he presentation engine (612) of the embedded web browser (410) parses the HTML instructions for controlling the media playback, generates any graphic portions of the display, positions a video window when it exists, and also interfaces directly with the underlying DVD Navigator. InterActual-specific instructions are interpreted by the presentation engine (612) and passed to a DVD abstraction layer, which can be part of the embedded browser or developed by the DVD navigator manufacturer. This layer serves as an abstraction that makes it possible to map the browser into a DVD player-specific DVD navigator developed either by the semiconductor manufacturer or the player manufacturer. Of course, the DVD Navigator interfaces with the underlying video and audio decoders."

In other words, the cited paragraph [0107] of Lamkin '144 only describes how the presentation engine 612 parses the HTML instructions to control media playback, generates any graphic portions of the display, positions a video window when it exists, and also interfaces directly with the underlying DVD Navigator. No where in this paragraph or anywhere else in Lamkin '144, and the Examiner has not indicated in the Office Action, is there any controlling of a data storage unit included in such content reproducing apparatus in accordance with a command program included in an input markup program as defined in Applicants' base claims 1, 52 and 67.

Similarly, the cited page 7, paragraph [129-130] of Lamkin '144 specifically discloses that,

"In operation, the embedded web browser (410) receives HTML/JavaScript content from disk (738) which is displayed by presentation engine (612). The embedded web browser (410) originates commands (as a result of user interaction which can be via the remote in set-top systems, the keyboard or mouse in computing systems, the game interface in gaming systems, etc.), which are sent to the command handler (702) by way of the command API. The embedded web browser (410) also receives commands from the command handler (702) by way of the command API. An example of such a command is `InterActual.FullScreen(w)`. The embedded web browser (410) also receives cookies from the cookie manager (708) via the cookie API, generally in response to the accessing of an Internet website. The embedded web browser (410) also receives events (notifications) each of which is a notification that a respective defined event (generally related to media playback) has occurred. These events are generated by the event generator (706) and sent via the event API. The embedded web browser (410) also queries properties from the properties handler (704) via the properties API. Properties are received in response to inquiries generated by the embedded web browser (410).

The command handler (702) controls the DVD/CD navigator (422) including starting and stopping playback, changing audio streams, and displaying sub-pictures from JavaScript, among many things. The command handler (702) provides live web content for non-InterActive disks when an active Internet connection is present through such commands as `InterActual.NetConnect()` and `InterActual.NetDisconnect()`. The command handler (702) commands the bookmark manager (716) through such commands as `InterActual.GotoBookmark()` and `InterActual.SaveBookmark()`. The command handler (702) also interacts with the navigator state module (714) generally regarding user interaction. The Navigator state module (714) keeps the current state of the system and receives it directly from the decoder (or maps directly into it). When the bookmark manager (716) is going to save a bookmark and needs to know the current title, the bookmark manager (716) receives it from the navigator state module (714) and places it in a bookmark and returns it to the command handler to allow it to provide a return value to the `InterActual.SaveBookmark` command."

Again, no where in this paragraph or anywhere else in Lamkin '144, and the Examiner has not indicated in the Office Action, is there any controlling of a data storage unit included in such content reproducing apparatus in accordance with a command program included in an input markup program as defined in Applicants' base claims 1, 52 and 67.

Lastly, the cited page 10, paragraph [182] of Lamkin '144 expressly discloses that,

"DVDs can be used for multiple user synchronous use. Generally, this is done by having a prearranged time for an event (such information could be

programmed on the disk or provided to users from online content accessed via the disk) at which time interested users connect to a prearranged website by use of the appropriate disk. The network site can control all connected devices by sending commands such as play, pause, fast forward, etc. By this manner, content resident on the disks as well as live web-originated content can be synchronously interwoven for any number of connected users simultaneously. With the server being coupled to the interactive devices the server can send commands to these devices for remotely controlling content stored on local interactive devices connected to a network system, such as the Internet. First, the interactive devices begin with the same interactive content, such as a DVD-Video disk. The interactive devices and a server are adapted to be connected to a network. In operation, information is transmitted from the server to the interactive devices that begin playback of the interactive content utilizing the network. Each interactive device receives the command at the same time and thus the commands and therefore the content are synchronized at start of playback. If the interactive devices support different commands such as a playing at a given time or only playing at a given chapter the server must utilize the supported features for the interactive device and send out only the supported commands to the interactive devices. This allows for the simultaneous playback of the event on each of the client apparatuses. Late synchronization can be achieved by a similar method by sending a command from the server to the interactive devices of the current time position the DVD-Video is playing. For those interactive devices that only support chapter commands the server must wait until the next chapter change to send the command to the interactive device to synchronize with the other interactive devices currently viewing the DVD-Video. Furthermore, This allows content such as DVD Video content to be locked so that play can only be accomplished through verification of interactive devices identity and also allows augmentation and supplementation of the content provided by the video from a remote server. Upon verification of a interactive device's credentials, the locally stored content can be supplemented with additional content delivered over the network system. This is achieved by using precise command sequences from the server to the interactive devices that unlock the local DVD-Video for example."

Contrary to the Examiner's assertion, the cited paragraph of Lamkin '144 only describes how a network site can control all connected local interactive DVD devices by sending commands such as play, pause, fast forward etc., for remotely controlling content stored on all local interactive DVD devices. Again, no where in Lamkin '144 is there any disclosure of Applicants' claimed "presentation engine utilized to control the data storage unit included in such content reproducing apparatus in accordance with a command program included in an input markup program", "such that transferring of information and sharing of system parameters related to AV data reproduction between different markup documents are enabled in the content

reproducing apparatus" as defined in Applicants' base claims 1, 52 and 67.

The rule under 35 U.S.C. §102 is well settled that anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. In re Paulsen, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); In re Spada, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Those elements must either be inherent or disclosed expressly and must be arranged as in the claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989); Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 7 USPQ2d 1057 (Fed. Cir. 1988); Verdegall Bros., Inc. v. Union Oil Co., 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). In addition, the prior art reference must be enabling. Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). The corollary of that rule is that absence from the reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 230 USPQ2d 81 (Fed. Cir. 1986).

The burden of establishing a basis for denying patentability of a claimed invention rests upon the Examiner. The limitations required by the claims cannot be ignored. See In re Wilson, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). All claim limitations, including those which are functional, must be considered. See In re Oelrich, 666 F.2d 578, 212 USPQ 323 (CCPA 1981). Hence, all words in a claim must be considered in deciding the patentability of that claim against the prior art. Each word in a claim must be given its proper meaning, as construed by a person skilled in the art. Where required to determine the scope of a recited term, the disclosure may be used. See In re Barr, 444 F.2d 588, 170 USPQ 330 (CCPA 1971).

In the present situation, Lamkin '144 fails to disclose and suggest features of Applicants' base claims 1, 52 and 67. Therefore, Applicants respectfully request that the rejection of claims 1, 52 and 67 and their respective dependent claims be withdrawn.

Claims 2-25 and 53-66 which depend from base claims 1 and 52, are deemed patentable from base claims 1 and 52 if their base claims 1 and 52 are patentable. Hartness Int'l, Inc., v. Simplicatic Eng'g Co., 891 F.2d 1100, 1108, 2 USPQ2d 1826, 1831 (Fed. Cir. 1987); In re Abele, 684 F.2d 909, 214 USPQ 682, 689 (CCPA 1982) see also In re Sernaker, 702 F.2d 989, 991, 217 USPQ 1, 3 (Fed. Cir. 1983). Even assuming *arguendo* that independent claims 1 and 52 are not patentable under 35 U.S.C. §103, which Applicants do not believe, claims 2-25 and

53-66 are separately patentable from parent claims 1 and 52 for reasons presented herein below.

For example, dependent claim 4 further defines that, according to the command program, the presentation engine [included in a content reproducing apparatus] generates cookie information comprising predetermined target information and stores the cookie information in the data storage unit [included in the content reproducing apparatus].

The cited paragraph [0129] of Lamkin '144 only describes how an embedded web browser 410 receives HTML content from an optical disk 738, as shown in FIG. 7. No where in Lamkin '144 is there disclosure of Applicants' claimed "content reproducing apparatus" provided with these features.

Claim 5 further defines that the data storage unit comprises a non-volatile data storage portion and a volatile data storage portion, where according to cookie storage attribute information in the command program, the presentation engine stores the cookie information in one of the non-volatile data storage portion and the volatile data storage portion.

The cited paragraphs [0207] - [0214] of Lamkin '144 only refer to two types of cookies used, system cookies and general purpose cookies, which can be created and modified by the DVD hardware and embedded browser. However, these cookies are described in the context of a computer as a hardware platform environment, as shown in FIG. 2 or FIG. 14. These cookies are typically generated from a website containing the accessed web page, which are then sent to the computer for storage on a local storage drive for later reference by the storing website, see paragraph [0205] of Lamkin '144. Again, no where in Lamkin '144 is there disclosure of Applicants' claimed "data storage unit included in a content reproducing apparatus" provided with different sections.

Claim 6 further defines that the presentation engine incorporates content identification information into the cookie information and stores the cookie information in the data storage unit. Again, no where in Lamkin '144 is there disclosure of Applicants' claimed "content reproducing apparatus" provided with the cookie information as defined in claim 6.

Claim 7 further defines that the presentation engine searches the data storage unit for the cookie information with the same content identification information as input content

identification information and reads the cookie information. Again, no where in Lamkin '144 is there disclosure of Applicants' claimed "content reproducing apparatus" provided the use of such cookie information.

Claim 11 further defines that the command program comprises a cookie reference command program, where according to the cookie reference command program, the presentation engine searches the data storage unit for at least one cookie information item, and extracts the predetermined target information from the at least one cookie information item. Again, no where in Lamkin '144 is there disclosure of Applicants' claimed "content reproducing apparatus" provided the use of such cookie reference command program.

Claim 12 further defines that the command program comprises a cookie deletion command program, where according to the cookie deletion command program, the presentation engine searches the data storage unit for at least one cookie information item and deletes corresponding cookie information. Again, no where in Lamkin '144 is there disclosure of Applicants' claimed "content reproducing apparatus" provided the use of such cookie deletion command program.

Claim 13 further defines that the cookie information comprises at least first information defining a content reproducing apparatus using the cookie information, and second information indicating a path of a markup document using the target information, and the target information comprises a name identifying the target information and a value of the target information. Again, no where in Lamkin '144 is there disclosure of Applicants' claimed "content reproducing apparatus" provided with the use of such cookie information along with target information.

Claim 14 further defines that the cookie information comprises at least first information defining a content reproducing apparatus using the cookie information, and second information indicating a path of a markup document using the target information, and the target information comprises a name identifying the target information and a value of the target information. Again, no where in Lamkin '144 is there disclosure of Applicants' claimed "content reproducing apparatus" provided with the use of such cookie information along with target information.

Claim 15 further defines that the cookie information comprises at least first information defining a content reproducing apparatus using the cookie information, and second information indicating a path of a markup document using the target information, and the target information

comprises a name identifying the target information and a value of the target information. Again, no where in Lamkin '144 is there disclosure of Applicants' claimed "content reproducing apparatus" provided with the use of such cookie information with reference to target information path.

Claims 16-21 further define that the cookie information comprises at least first information defining a content reproducing apparatus using the cookie information, and second information indicating a path of a markup document using the target information, and the target information comprises a name identifying the target information and a value of the target information. Again, no where in Lamkin '144 is there disclosure of Applicants' claimed "content reproducing apparatus" provided with the use of such cookie information along with target information path.

Claim 23 further defines that, if cookie information having the same first information and second information, and the same name to identify the target information as the cookie information generated according to the cookie generation command program exists in the data storage unit, the presentation engine overwrites the cookie information in the data storage unit with the generated cookie information. Again, no where in Lamkin '144 is there disclosure of Applicants' claimed "content reproducing apparatus" provided with the use of such cookie information along with target information.

In view of these noted deficiencies and reasons discussed, Applicants respectfully request that there is no a *prima facie* case of anticipation under 35 U.S.C. §102, and that the rejection of dependent claims 2-51 and 53-67 be withdrawn.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC office at (202) 216-9505 ext. 232.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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